



**OFFICE OF THE CITY ATTORNEY**

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June 21, 2010

Dow Constantine, Chair  
Growth Management Planning Council  
King County Chinook Building  
401 5<sup>th</sup> Ave., Ste. 800  
Seattle, WA 98104

Members of the Growth Management  
Planning Council

**Via Certified Mail, Return Receipt  
Requested**

RE: Inconsistency of Countywide Planning Policies, Policy FW-1 Step 7(d) with SHB 1825, Chapter 121, Laws of 2009, Amending RCW 36.70A.110(2) and Other Sections of GMA

Dear Chair Constantine and Members:

This is to advise you that as it presently exists, Countywide Planning Policy FW-1 Step 7(d) is inconsistent with RCW 36.70A.110, and request that you amend FW-1 to make it consistent with state law.

FW-1 Step 7(d) currently reads as follows:

- d. Development on the land added to the Urban Growth Area under this policy shall be limited to residential development and shall be at a minimum density of four units to the acre. Proposals shall meet King County Comprehensive Plan density and affordable housing goals.

SHB 1825 amended RCW 36.70A.110(2) to read in pertinent part as follows (the underlined text was added to RCW 36.70A.110(2) by SHB 1825):

(2) Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period, except for those urban growth areas contained totally within a national historical reserve. As part of this planning process, each city within the county must include areas sufficient to accommodate the broad range of needs and uses that will accompany the projected urban growth including, as appropriate, medical,

Dow Constantine, Chair  
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June 21, 2010  
Page 2

governmental, institutional, commercial, service, retail, and other  
nonresidential uses.

If a city in King County does not include areas sufficient to accommodate the broad range of needs and uses that will accompany the projected urban growth, then the County must designate sufficient areas for such purpose, and a policy limiting additions to the Urban Growth Area to land for residential development only violates the clear language of the statute.

It is also evident that when the legislature says "each city within the county," it means each and every city within the county, not just some cities in the western one-third of a county. If any city can demonstrate that it does not have sufficient land to accommodate "the broad range of needs and uses" for its existing population, let alone the projected urban growth, the County is obligated by RCW 36.70A.110(2) as amended to address that situation. The County's Countywide Planning Policies in any case should not frustrate the legislature's requirement for designating urban growth areas for uses in addition to residential development.

Thank you for your consideration of this request.

Very truly yours,

CITY OF SNOQUALMIE



Patrick B. Anderson  
City Attorney

Cc: Hon. Matthew R. Larson  
Snoqualmie City Council  
King County Council  
Nancy Tucker  
Paul Reitenbach  
Hon. Jay Rodne